

REMARKS

Receipt of the Office Action of November 28, 2006 in this RCE application is gratefully acknowledged.

Claims 5 - 9 are pending. Of these claim 8 has been withdrawn and claims 5 - 7 and 9 rejected.

Regarding the withdrawal of claim 8, it is again respectfully submitted that this unilateral action on the part of the examiner is unwarranted. It was previously stated that a restriction requirement was never made. Accordingly, there is no basis for withdrawing claim 8. It is first necessary for the examiner to request an election and for applicant to make an election before "constructive election" can be asserted. Since there has been no request for an election, there can be no constructive election. Claim 8 should be examined in this application.

Regarding the rejections, the examiner has rejected claims 5, 7 and 9 as anticipated by Mitsue et al under 35 USC 102(b) and rejected claims 5 - 7 and 9 as anticipated by Ohtsuki et al. These rejections are respectfully traversed.

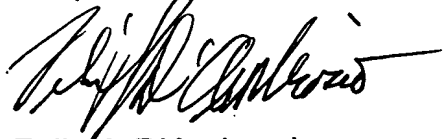
As was already noted, both claims 5 and 9 define "an annular seal member." i.e., a single seal member, not a seal member with two or more parts. In applying Mitsue and Ohtsuki et al, the examiner presents a detailed discussion but fails to address this issue, which alone would preclude the application of 35 USC 102.

Regarding the rejection under 35 USC 102(b) in view of the "AAPA," and the rejection under 35 USC 103(a) over the combination of the "AAPA" and Mitsue, it is noted that the parts of the structure of Figs. 5 and 6 (the "AAPA") are not first assembled outside the bearing members. A teaching that would

anticipate or even render obvious this feature must clearly state this feature which neither Figs. 5 or 6 and Mitsue do.

Reconsideration is respectfully requested and claims 5 - 9 found allowable.

Respectfully submitted

A handwritten signature in black ink, appearing to read 'Felix J. D'Ambrosio', with a long horizontal flourish extending to the right.

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